

TREATY POWER MAY BE BASIS FOR NEW NRA

Lawyers Study Broad Rights
Concerning Accords Pro-
vided in Constitution.

Labeled SUPREME LAW

Also Scan Conventions Draft-
ed by International Labor
Organization at Geneva.

By The Associated Press
WASHINGTON, Nov. 8.—The
possibility of using the federal
government's treaty making power
as the basis for future regulation
of industry is being studied by a
group of NRA lawyers.

They have been directed to ex-
amine every possible constitutional
authority upon which new NRA
legislation might be based. It is
the government's wish to experiment
with something of that kind.

Conquering the situation, the
lawyers have become interested in
the broad treaty making power
granted the federal government by
the constitution. The document
provides that treaties shall be "the
supreme law of the land, anything
in the Constitution or laws of any
state to the contrary notwithstanding."

Study Geneva Treaties
Following through the idea, the
lawyers also are studying the con-
ventions of treaties originating
with the international labor organi-
zation at Geneva, to which
the United States belongs.

Although most of these conven-
tions were negotiated before the
United States joined in 1934, and
have not been ratified by this
government, they deal with such
subjects as hours of industrial em-
ployment, child labor, night work,
minimum wages, and other condi-
tions of employment.

What the lawyers are studying
is whether, if the United States
ratifies such a convention, or a
treaty with a single nation govern-
ing working hours in industry, or
some other conditions of employ-
ment, the treaty would stand up as
the "supreme law of the land."

Other constitutional provisions
being exhaustively studied by the
NRA lawyers involve the federal
government's jurisdiction over in-
terstate commerce, taxes and
appropriations, postoffice, govern-
ment contracts, tariff rates, and
other agencies.

Other provisions being studied
by the NRA lawyers include the
interstate commerce clause, but
the other powers have been used
in various regulatory laws in the
past. The Guffey coal bill and the
social security bill are based
largely on the government's taxing
and spending powers; control of
the postoffice has been used to
prevent fraud; several proposals
are now pending in congress for
substantive NRA legislation based
on jurisdiction over those who
conduct business with the govern-
ment.

L. C. Marshall, director of the
NRA review division, under whom
the lawyers are working, said his
staff was not drafting new NRA
legislation, nor "trying to formula-
te what ought to be done."

He said it was merely exploring
the possibilities, and assembling
material "that would be useful if
it should get to the stage where
some kind of legislation is wanted."

SIR CHARLES' PLANE REMAINS UNSIGHTED

Noted Australian Missing at
Singapore on Flight from
Lympe, England.

By The Associated Press
SINGAPORE, Nov. 8.—Darkness fell over
the Malacca strait tonight without
any further word from Sir Charles
Higginford-Smith, missing on a
flight from England to Australia.

The noted Australian pilot and
his copilot, Tom Pethybridge, were
last sighted by James Melrose, who
reported that he had flown over
the missing plane over the
Bay of Bengal.

Melrose, a prize winner in the
London-Melbourne air derby last
year, announced that he was aban-
doning his own flight from England
to Australia to assist royal air
force pilots in a search tomorrow
for the missing men.

Ships in the Bay of Bengal were
warned by wireless to keep a sharp
lookout for Kingfisher-Smith.

Aviation experts expressed fear
for the safety of the famous trans-
pacific flier, who began his latest
flight Wednesday from Lympe,
England.

COLUMBUS OFFICER WINS PISTOL MATCH

By The Associated Press
MANSFIELD, O., Nov. 8.—Glen
Homer, of the Columbus police de-
partment, scoring 272 of a possible
300, won the class A competition
of the annual pistol matches of the
Ohio Brotherhood of Police Offi-
cers last night.

Rejected Holding Firm Act Faces Highest Court

TO SCHOOL AT 80



Mrs. Lillian Gist, 80, of Tampa, Fla., is returning to college to work for a master's degree. Mother of 11, grandmother of 12, she says, "I'm not too old to do what I want to do." (International News Photo)

MAIL ROBBERY SUSPECT HELD

Writing Labeled Similar to
That of Man Who Bought
Car in Garrettsville Case.

SERVED TERM IN PRISON

Bandits Knew What They
Were After; Yelled Where Is
That Other Bag from Bank.

(Pictures on Page 15)

By The Associated Press
CLEVELAND, Nov. 8.—Police
took into custody a former con-
vict as a possible suspect in yester-
day's mail train robbery at Garrettsville.

Detectives, withholding the man's
name, said he became a suspect
when they noted a similarity of
his handwriting on a Bertillon
record, with the signature of a
man who purchased the automobile
supposedly used in the robbery.

Six mail train robbers seized
\$34,000 in currency and \$12,450 in
securities at the Erie railroad sta-
tion at Garrettsville.

With every movement carefully
planned, the gang held up more
than a dozen persons, covering
them with submachine guns and
pistols soon after train No. 628
stopped yesterday afternoon.

The engineer, fireman and mem-
bers of the mail car crew were
ordered onto the station platform
alongside men and women by
standards. Pouches containing the
money were thrown out of the
train to the gang's automobile. One shot
was fired, which grazed the fore-
head of Orin Workman, a mail
clerk.

In a small sedan, apparently
purchased expressly for the ro-
bbery, the gang fled toward Ravenna.
The search today, in which
United States postal inspectors and
police took the lead, was centered
in the larger northern Ohio cities,
Akron, Cleveland, Warren, Youngs-
town and Canton.

While hideouts were watched
authorities began questioning citi-
zens here to pick up additional de-
tails about the holdup and deter-
mine whether the gunmen had
been seen here recently making
preparations.

The search was spurred by possi-
bilities that the new auto would be
found abandoned or that stolen
mail pouches would be located.

The currency was consigned to
a bank for use in meeting a payroll
of the Republic Steel Corp. The
robbers knew exactly what they
were after, for one of them shout-
ed: "Where's that other bag that
was put on in Cleveland—the one
from the Federal Reserve bank?"

One pouch, containing \$5,500 was
overlooked by the gang.

TESTS SEEK TO END RELIEF CHISELING

By The Associated Press
COLUMBUS, O., Nov. 8.—Dr. Carl
Walton, federal works progress ad-
ministrator for Ohio, disclosed to-
day a plan in connection with the
sale of materials and supplies to
the WPA for use on Ohio projects.

This plan provides for the testing
of samples of materials delivered
on Ohio WPA projects sites. If
any tests disclose that the ma-
terials or supplies are inferior to
specifications governing the pur-
chases, such materials or sup-
plies will be rejected.

CHINA CLIPPER OFF FOR WEST COAST

By The Associated Press
MIAMI, Fla., Nov. 8.—The China
Clipper, huge flying ship, took
off under own steam at 6:30 a. m.
today for Australia, enroute to
New York, via the Panama Canal.

K. A. ROBINSON RECOMMENDED FOR CITY POST

Judge Rules Law "Unrea-
sonable, Arbitrary,
Capricious."

ASSAILS CONGRESS

Declares Measure is "In-
valid and of No
Effect."

By The Associated Press
BALTIMORE, Nov. 8.—Tagged by
a federal district court judge with
the label of unconstitutionality, the
beleaguered federal utilities hold-
ing company act today appeared
before the United States su-
preme court and another major test
of the new deal legislation.

In a decision holding the entire
measure invalid, Judge William C.
Coleman flayed the 1935 congress
for "flagrantly exceeding its law-
ful power" by its enactment. The
act, itself, he said, was "grotesque,
arbitrary, unreasonable and capricious."

Told to Ignore Law
The instruction of the American
States Public Service Co., therefore,
to treat the act as "invalid and of
no effect."

Trustees of the company had
contended compliance with pro-
visions of the law would make
their reorganization plans impos-
sible of completion. They asked
for instructions and sought an
opinion as to its constitutionality.

Burco, Inc., a Delaware company
formed to protect rights of bond-
holders of the American States Co.,
was the defendant.

Ralph P. Budd, attorney for
Burco, Inc., said in New York he
had instructed Hayward Hamilton
of Baltimore, associate counsel, to
prepare an appeal from Judge
Coleman's decision.

The case now is headed toward
the United States circuit court of
appeals. A further appeal, from
the decision of that court, would
send it to the supreme court.

Says Regulates Everything
Judge Coleman asserted the act
"aims to regulate virtually every-
thing that such (utilities) com-
panies do, intrinsically as well as in-
terstate."

"If the Constitution be in-
terpreted to permit what the public
utility act aims to accomplish," he
contended, "then federal authority
would embrace practically all the
activities of the people, and the
authority of the states over their
domestic concerns would exist only
by sufferance of the federal govern-
ment."

A portion of the decision was
devoted to criticism of government
charges of collusion between the
trustees, Burco, Inc., and Fred
Lautenbach, Baltimore dentist and
stockholder in the public service
company.

Davis Called as Counsel
Lautenbach was brought into the
case when the trustees, feeling the
situation offered an opportunity
for a test of the act, asked John
W. Davis, 1934 candidate for the
presidency and member of the
American Liberty league, to enter
into it. Davis acted as Lautenbach's
counsel.

Attorneys for the securities and
exchange commission, intervening
as "friends of the court," charged
collusion existed in that an at-
tempt was being made to obtain a
ruling on the act's constitutionality.

Judge Coleman termed the col-
lusion accusal "not only baseless"

(Continued on Page Seven)

CITY GETS FAVORABLE BOND ISSUE TERMS

Interest Rate on \$30,000 Lot
Reported To Be Lowest
on Record Here.

The city yesterday sold a \$30,000
refunding bond issue on what is re-
ported to be the most favorable
terms under which bonds were ever
sold here.

Apparently benefitting from the
present pressing demand for invest-
ment paper among banks and in-
surance companies, the city sold
the issue to the financial firm of
Stranahan, Harris & Co. of Toledo,
at an interest rate of three and a
quarter per cent and a premium of
\$114. The city officials said, is the
equivalent of the city borrowing
the money at 3.15 per cent.

The refunding bonds were issued,
by authorization of city council
Sept. 22, to take up bonds loaned
in prior years which became pay-
able in September and October of
this year. There were 11 bidders,
with the Toledo company success-
ful.

City officials said today that to
their knowledge these are the best
terms under which bonds have ever
been sold here. They expressed a
belief that four per cent was the
lowest interest rate in any previous
bond sale. In recent years bond
issues have been carrying between
four and five per cent interest rates.

U. S. WILL ATTEND NAVAL CONFERENCE

By The Associated Press
WASHINGTON, Nov. 8.—The United
States will attend today, Nov. 8, the
annual naval conference at London,
England, which will discuss the
future of the world's navies.

GIRL GRID STAR

Republican Executive Commit-
tee Favors Appointment as
Police Prosecutor.

COUNCIL TO SELECT CLERK

Action Brings First Develop-
ments in Filling Appointive
Offices.

The first development in selec-
tion of appointees by newly-elected
city officials came today when the
Marion county Republican execu-
tive committee recommended the
appointment of Kenneth A. Robin-
son as police prosecutor.

Ralph E. Carhart, city solicitor-
elect, said this morning he has
been notified of the committee's
recommendation. He said he will
consider the recommendation and
make an announcement in the
near future.

Newly-elected councilmen are ex-
pected to meet soon to consider se-
lection of a city clerk, who will
also act as clerk to the mayor-elect,
Dr. Frederick C. Smith. A number
of city appointive positions filled
by the mayor will become vacant
at the end of the year.

Start Terms Jan. 1
All city officials-elect chosen
Tuesday will take office Jan. 1
and, with the exception of Man-
dipity Judge William R. Martin and
J. Luther Landis, auditor-elect,
will serve for two years. Judge
Martin and Landis will serve four-
year terms.

The four-year term for city au-
ditors was voted at the last regu-
lar session of the legislature and is
now effective for the first time.
County election officials said. In
the past, the auditor's term has
been two years.

The two most important city
positions to be filled by appoint-
ment of the mayor-elect are city
service director and city safety
director. Officials today were un-
certain when the terms of Service
Director C. W. Mercer and Safety
Director W. N. Barnes expire, but
placed the time between Jan. 1 and
Jan. 15, the directors in the past
having held over in new adminis-
trations for approximately two
weeks.

Terms to Expire
Among other appointees of the
mayor whose terms will expire at
the end of this year is Dr. F. R.
Mann, whose four-year term as a
member of the city park board will
end, as will the four-year term of
M. C. O'Brien, member of the
board of sinking fund trustees. Dr.
Robert Ramroth's four-year term
as member of the city hospital
commission will expire and the
five-year term of Martin L. Ver-
burg as a member of the city board
of health will end. One-year terms
of all of six members of the hos-
pital advisory board will expire.

Dr. Smith has said he is uncer-
tain when his selection of ap-
pointees will be made.

Frank C. Gegenheimer and Don
A. Howard, re-elected members of
the city board of education Tues-
day, and Dr. R. T. Morgan, new
member, will begin four-year terms
the first meeting in January.

COMMISSION HEARS KENTON GAS CASE

By The Associated Press
COLUMBUS, O., Nov. 8.—The
state utilities commission heard
arguments today on the application
of the West Ohio Gas Co. for a
rehearing of its case and took the
matter under consideration.

The commission ordered the com-
pany recently to make refunds to
Lima and Kenton.

Paul Mahon, representing Ken-
ton, argued there was not suffi-
cient reason for granting a rehear-
ing.

Counsel for both sides agreed a
counsel termination of the litigation
is desirable. The company is in
receivership.

2 WOMEN KILLED AT RAIL CROSSING

By The Associated Press
JEFFERSON, O., Nov. 8.—Fun-
eral services for Mrs. Sadie Pon-
ner, 76, and Mrs. Margaret Peter-
son, 40, both of Wayne, O., were
being completed today. The two
women were killed last yesterday
by a New York Central train which
struck their automobile at Stan-
hope crossing.

(Continued on Page Seven)

WORK ON HUGE STORAGE BINS AT MILL NEARS END

Circular Structures 106 Feet High To Be Finished by Nov. 15;
Capacity Will Be 275,000 Bushels.

Construction work on three new
concrete grain storage bins being
erected by the Marion Milling Co.
has been progressing rapidly and
the work is scheduled to be com-
pleted about Nov. 15, P. A. Lan-
ley, manager of the company, said
today.

Pouring concrete for the circular
bins was started on Oct. 27
and has been in progress since
then. About 20 feet of con-
crete has been poured in each bin,
which are seven feet in diam-
eter and 106 feet high.

The bins are being erected on a
new concrete foundation. Work on
the foundation was completed on
Oct. 27.

Concrete forms for the bins
were placed on Oct. 27 and the
bins are being erected on a new
concrete foundation. Work on the
foundation was completed on Oct.
27.

TROOPS TAKE MAKALE WITHOUT FIGHT AFTER DEFENDERS PULL OUT

Demolished Filing Cabinet
Taken from Bellefontaine
Found Near Waldo.

MACHINE LATER RETURNED

Logan County Bowling Alley
Operator Identifies Safe;
\$85 Taken.

A large filing cabinet stolen early
yesterday morning from a Belle-
fontaine bowling alley and brought
to Marion county in a truck taken
from the Becker bakery storage
barn, was found in an abandoned
farm 10 miles southeast of Marion
and east of Waldo. The door of the
cabinet had been dynamited and
loot amounting to \$50 in cash and
two pieces of Masonic jewelry
stolen.

The thieves also broke in a four-
at camp near Bellefontaine and
stole gasoline and clothing. The
badly damaged filing cabinet was
found in an orchard on the old
Kenyon farm, three miles south-
east of Frey's stone quarry by
Ralph Denzer and his son, who
furnish the property. The bakery
truck was returned to the storage
barn.

A. C. Day, proprietor of the
Bellefontaine bowling alley and
secretary of the Nu-Gough Co. in
that city, was in Marion yesterday
afternoon with the Logan county
sheriff and Bellefontaine police
chief, and identified the cabinet
as the one stolen from his bowling
alley between 1 and 3 a. m. yester-
day.

Immediately after discovering
the cabinet in the orchard, which
is one-half mile off the highway,
Ralph Denzer telephoned Sheriff
Fred F. Miller, who assigned De-
puty Gene Giesler to investigate.

The deputy found the thieves had
broken the combination lock of the
door of the cabinet and dis-
covered it left in the safe were
records and other papers con-
cerning the Nu-Gough Co. Cash
totaling \$40 and a Masonic ring
and watch box were missing.

Raymond Rorcker discovered
yesterday morning when he went
to the bakery's storage barn at
603 East Center street that the
trunk had been used on a long
trip. The motor was still warm, it
was out of oil, and very little gaso-
line was left.

All indications point to the
Rorcker truck as the vehicle used
in the Bellefontaine burglaries,
Denzer said. On the floor in the
rear of the truck, and in the cab
were dirt and grass, and leaves
from the same variety of trees
that are found in the Kenyon
orchard. Authorities said there
are no clues as to the identity of
the thieves, although it is apparent
they were well acquainted in both
Marion and Logan counties.

150 ROLL CALL WORKERS MEET

Campaign Leaders Give Final
Instructions to Red Cross
Solicitors.

IN FIELD MONDAY, TUESDAY

Drive Starts First of Week in
Business Area and Day Later
in Residence Section.

A meeting of county workers in
the 1935 roll call of the Marion
County chapter of Red Cross on
Saturday night at 7:30 in the Red
Cross office in the Y. M. C. A.
was announced. A meeting of
approximately 150 workers last
night at Central Junior High
school.

E. H. Shadle, roll call chairman,
and Elmer A. Williams, head of
the division on county enroll-
ments, will instruct workers at the
Saturday night meeting.

Final instructions were given
the residential and business dis-
trict workers, together with the
necessary supplies at the meet-
ing last night.

Enrollment in the business dis-
trict will start Monday under the
direction of William K. Hamon,
and in the residential district on
Tuesday morning, directed by Mrs.
Paul Knauss.

Every person in Marion city
and county who gives a member-
ship of one dollar or more in the
roll call next week will receive a
membership card, a Red Cross but-
ton and a Red Cross sticker. The
chapter urges all members to
wear the Red Cross button next
week and to display the sticker
prominently in the windows of
their homes or business places.

"One hundred per cent" stickers
will be given those business houses
and industries whose employees all
become members.

It was explained last night that
50 cents of each membership
whether it be for \$1 or \$25, will
be sent to Washington, D. C., to
carry on the work of the national
Red Cross, particularly in its ser-
vice to veterans and in disaster
relief in any stricken area. All
other money will remain in Mar-
ion county to carry on the local
chapter's program.

Residents of the city and
county were warned today by Red
Cross officials against giving
money next week to persons
soliciting in the name of the Red
Cross who do not wear cards
labeled "Official Worker."

Mr. Shadle in his talk last night
urged that the roll call not be a
matter of one membership in each
household.

(Continued on Page Seven)

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STOLEN TRUCK USED IN THEFTS

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